

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT

2022 FEB 23 PM 2:07

for the

CLERK-LAS CRUCES

District of New Mexico

United States of America

v.

Jeffery Dean Biddle

Case No. 22 MJ 275Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 24 - October 6, 2021 in the county of Luna in the
State and District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 2251(a) & (e)

Production and attempted production of child pornography.

18 U.S.C. § 2252A(a)(2) and (b)(1)

Receipt and attempted receipt of child pornography.

18 U.S.C. § 2422(b)

Enticement and attempted enticement.

I further state that I am a Homeland Security Investigations Special Agent and
that this complaint is based on the following facts:

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.STEPHANI M LEGARRETA Digitally signed by STEPHANI M LEGARRETA
Date: 2022.02.23 12:54:28 -07'00'*Complainant's signature*

Stephani Legarreta-HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 2/23/2022*Judge's signature*City and state: Las Cruces, New Mexico

Honorable Stephan M. Vidmar

Printed name and title

Affidavit

1. I, Special Agent Stephani Legarreta, your Affiant, have been a Special Agent with Homeland Security Investigations (HSI) and have been so employed since January of 2008. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned as a criminal investigator for the Assistant Agent in Charge (ASAC), Las Cruces, New Mexico. Prior to my current position, I was a student for six (6) years at New Mexico State University, where I received my Bachelor's and Master's Degree in Criminal Justice. During the course of investigation, I have consulted with other HSI Agents and other law enforcement detectives and officers who have extensive experience investigating child exploitation. Your Affiant has conducted numerous state and federal investigations and received training, education, and experience with the identification and investigation of child exploitation violations. I have been personally involved with the execution of arrest warrants and search warrants to search residences, businesses and seize materials relating to child exploitation.
2. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other sworn law enforcement officers. Because this affidavit is submitted for the limited purpose of securing a criminal complaint, your affiant has not included each and every fact known to me concerning this investigation. Your affiant has set forth only those facts that your affiant believes are necessary to establish that probable cause to support a criminal complaint against Jeffery Dean Biddle for production and attempted production of child pornography, in violation of 18 U.S.C. § 2251(a) & (e),

receipt and attempted receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2) and (b)(1), and enticement and attempted enticement, in violation of 18 U.S.C. § 2422(b).

Relevant Statutes

3. Title 18 U.S.C. §§ 2251(a) and (e) make it a federal crime for “[a]ny person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, or attempt to do so, if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.” Subsection (e) of the statute also criminalizes an attempt to engage in the conduct described above. Additionally, subsection (e) also provides for an enhanced penalty if the person has a prior conviction for, *inter alia*, “sexual abuse, [or] abusive sexual contact of a minor or ward.”
4. Title 18 U.S.C. § 2252A(a)(2) makes it a federal crime for any person to knowingly

receive “any child pornography using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate commerce by any means, including by computer.” Subsection (b)(1) of the statute also criminalizes an attempt to engage in the conduct described above.

Additionally, subsection (b)(1) also provides for an enhanced penalty if the person has a prior conviction for, *inter alia*, “sexual abuse, [or] abusive sexual contact of a minor or ward.”

5. Title 18 U.S.C. § 2422(b) makes it federal crime for “[w]hoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.” It is also a violation of this statute to attempt to induce a minor through an intermediary who appears to the defendant to exercise some degree of control over that minor, such as a parent or a babysitter.

Details of the Investigation

6. On October 7, 2021, law enforcement executed a federal search warrant at Biddle’s residence in Deming, New Mexico. The warrant authorized the seizure of specific digital devices belonging to Biddle. When agents executed the warrant Biddle was at his residence. Biddle was informed that law enforcement had a search warrant and Biddle was apprised of general allegations laid out in the warrant. Biddle was advised that he was not under arrest and that he was free to leave. Agents asked Biddle if he would be

willing to be interviewed, and Biddle stated yes. Biddle was asked if he was able to follow law enforcement to the Deming District Attorney's office. Biddle agreed to accompany agents. Prior to being interviewed, Biddle was advised of his *Miranda* rights and asked whether he understood each right. Biddle agreed he understood and then began to speak with law enforcement.

7. During the interview, Biddle admitted to wide ranging conduct involving his sexual interest in minors, as well as his molestation of minors. Biddle admitted that he has numerous Facebook accounts and he stated he used those accounts in an attempt to "adopt" minors from other individuals. Biddle admitted he was attempting to "adopt" minors to sexually abuse them.
8. Biddle identified numerous Facebook accounts he was using. A federal search warrant was obtained for Biddle's Facebook accounts. Within the Facebook accounts, Biddle had numerous Facebook messages where he was asking to be the "daddy" to children he met online and/or the parents of the children he befriended online. Some conversations also led to Biddle requesting naked photos of children. A review of Biddle's Facebook accounts corroborated his statements during his interview that he was trying to buy or gain access to minors online.
9. Biddle also spoke during his interview of an eight-year-old (hereafter referenced as V1) he was currently speaking to on "messenger". Biddle explained he had requested V1 as a friend on Facebook and she responded by accepting his request. According to Biddle, the photo on Facebook of V1 appeared to be that of an eight-year-old female. Biddle stated he began chatting with V1 on "Facebook Messenger" and V1 gave him her phone number. Biddle also stated the phone number V1 was chatting with, ended in 0830.

Biddle's cell phone content was extracted pursuant to a federal search warrant and messages on "Chats" were located which reflected Biddle's number and the phone number ending in 0830.

10. Biddle explained that he had been talking with V1 for almost three months. Biddle further explained he thought V1 was eight years old based on a picture he saw, "because she didn't have hair" and "she looked like she was little" (referencing the genital area by pointing to the genital area on himself). Biddle also stated that V1 had sent a picture of her "bleeding." Biddle did not remember V1's name but stated he just called her "daughter."
11. The chats extracted from Biddle's cell phone between he and V1 began on June 24, 2021, and the last chat logged was on October 6, 2021. The following day, October 7, 2021, is when law enforcement executed the search warrant at Biddle's residence. Below are excerpts from chats between Biddle and V1:

June 24, 2021:

Biddle: "Send me a naked picture of you and your pussy ok my daughter"

V1: Okay I will send you my pussy"

—Break—

V1: *[sends an image which depicts a naked front view of a vagina with the legs closed and only the from below the belly button to the mid thighs exposed. No pubic hair is noticeable, and the hips of the female appear to be small in build.]*

Biddle: Thank you my love daughter

V1: You love my pussy

Biddle: Yes I love your pussy

V1: Okay my Daddy

Biddle: *[sends an image of an erect adult penis exposed with black garments pulled down. The penis has a noticeable indented hole on the upper penis.]*

Biddle: Do you love your daddy dick

V1: Yes Daddy I love it

July 15, 2021:

Biddle: Can we see a picture of you

V1: Give the phone back to my daddy

Biddle: I'm here my daughter

V1: *[sends an image depicting a fully clothed, brown-haired minor female child in a blue and white outfit sitting on a chair with an opened children's book sitting on her lap. The child is looking up at the camera smiling.]*

V1: Daddy did I look beautiful

V1: Did you Love me daddy

V1: I love you

Biddle: Yes you do and yes we love you

July 21, 2021:

Biddle: I want to see your pussy ok my lovely daughter

—Break—

V1: Daddy am in my mesturation [sic]

V1: *[sends an image which depicts a female's lower body with white underwear pulled down exposing her vagina. The vagina pubic hair appears to have been shaved. The underwear has a menstrual pad with blood on it. Blood can be seen leaking out of the vagina.]*

V1: You see my pussy

Biddle: Who is have sex with my baby girl

Biddle: Are you at school yet yes or no

V1: I'm in my mesturation [sic] period

V1: I don't go to school

V1: I need some pad

V1: And I don't get any Money with me daddy

Biddle: Tall me who is have sex with my baby girl

V1: No one is having sex with me

V1: Am in my period

Biddle: Ok

Biddle: How old are you

V1: 7 year's old

V1: 17

V1: And you my Daddy

Biddle: I'm 40 year old

August 1, 2021:

Biddle: Can you send me your pussy right now my lovely daughter yes or No

V1: Yes I will send my pussy, just send me the password

Biddle: *[sends passcode]*

V1: Ok

Biddle: Ok

V1: *[sends an image depicting a vagina and anus exposed. No pubic hair is noticeable. The image is a close up of the genital area which the space between the legs appear to be small in build]*

Biddle: I love your pussy my lovely daughter

V1: Thank you

Biddle: Sends an image depicting a close up of an adult erect penis.

V1: So Daddy send me the back online access

Biddle: I do not know what you're talking about.

Biddle: Do you like my dick to go in you yes or no my daughter

August 4, 2021:

Biddle: Can you send me more pictures of your pussy my little daughter
yes or no

September 4, 2021:

Biddle: Can I see your nude yes or no

V1: I can't see it daddy

V1: Good

Biddle: Ok

V1: Can I send my Nude

Biddle: Yes

V1: *[sends an image depicting an exposed vagina and anus. The vagina has no pubic hair and space between the legs appear to be small in build.]*

V1: *[sends another image depicting the front view of a vagina. The vagina pubic hair appears to have been shaved and space between the legs appear to be small in build.]*

Biddle: You want your daddy dick in you yes or no

V1: Yes

Biddle: Ok

Biddle: I love you so much and I miss you so much can't wait to see you

12. Biddle asked for nude photographs of V1 approximately 24 times during the duration of the recovered chats between Biddle and V1.
13. During his interview, Biddle admitted he asked V1 to come to see Biddle and his girlfriend. Biddle believed that V1 lived in Texas. Biddle stated that V1 had told him she wanted to have sex with him. Biddle said he asked her why would she want to have sex with her daddy? Biddle eventually admitted that he had agreed to purchase a bus ticket for V1 to come to New Mexico so he could have sex with V1 when she arrived. Biddle stated he does not have the money right now to pay for her ticket but was still chatting with V1. Chats were not found regarding V1's potential travel to New Mexico, but search history from Biddle's phone reveals that Biddle did search "greyhound bus station" and that he also conducted other searches in reference to Greyhound Bus.
14. Biddle has a prior 2004 conviction for criminal sexual contact of a minor, in violation of NMSA §30-9-13(A)(1). His conduct in that case involved the sexual abuse of a three-year-old.
15. Biddle's phone where the chats referenced above were located is an iPhone SE. I know from my training and experience that iPhone SEs are primarily manufactured in India and/or other countries in east and southeast Asia. I know there are no iPhones that are manufactured in New Mexico. Additionally, I know that in order to use the social media platform Facebook, the user must connect to the internet, which I know from my training and experience is a facility of interstate commerce.

Conclusion

16. Based on all of the above information, your affiant submits there is probable cause to believe that Jeffery Dean Biddle committed production and attempted production of child

pornography, in violation of 18 U.S.C. § 2251(a) & (e), receipt and attempted receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2) and (b)(1), and enticement and attempted enticement, in violation of 18 U.S.C. § 2422(b).

17. Prosecution of Jeffery Dean Biddle was approved by Assistant United States Attorney Marisa A. Ong.

STEPHANI M
LEGARRETA

Digitally signed by STEPHANI
M LEGARRETA
Date: 2022.02.23 12:55:31
-07'00'

Stephani Legarreta, Special Agent
Homeland Security Investigations

Subscribed and sworn before me this 23rd day of February 2022.



Honorable Stephan M. Vidmar
United States Magistrate Judge